



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JUL 12 2004

Paper No. 10

In re Application of
Jean-Louis Mathiez
Application No. 09/865,056
Filed: May 24, 2001
Attorney Docket No. 967.037US1

:
: DECISION ON PETITION
:
:

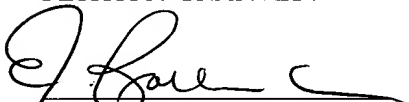
This is a decision on the petition filed on April 12, 2004 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the Office action dated October 21, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that the application is not abandoned because a reply to the Office letter in question was actually filed on October 9, 2003. Petitioner has supported this allegation by furnishing a copy of the reply and a copy of a post card receipt for the reply which shows the reply was in fact received in the Office on November 10, 2003, a date within the period for filing a reply to the Office action in question. Based upon this evidence, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for processing the reply filed on November 10, 2003. Thereafter, the application will be forwarded to the examiner for appropriate.

PETITION GRANTED.


E. Rollins-Cross, Director
Technology Center 3700

Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402